

DENNIS J. HERRERA, State Bar #139669
City Attorney
JOANNE HOEPER, State Bar #114961
Chief Trial Attorney
EVAN H. ACKIRON, State Bar #164628
SCOTT D. WIENER, State Bar #189266
SHERRI SOKELAND KAISER, State Bar #197986
Deputy City Attorneys
Fox Plaza
1390 Market Street, 6TH Floor
San Francisco, California 94102-5408
Telephone: (415) 554-3856
Facsimile: (415) 554-3837

Attorneys for Defendants
CITY AND COUNTY OF SAN FRANCISCO
AND GEORGE BUTTERWORTH

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN TENNISON,

Plaintiff,

vs.

CITY AND COUNTY OF SAN
FRANCISCO, SAN FRANCISCO POLICE
DEPARTMENT, EARL SANDERS,
NAPOLEON HENDRIX AND GEORGE
BUTTERWORTH,

Defendants.

Case No. C 04-0574 CW

**STIPULATION AND ~~PROPOSED~~
ORDER EXTENDING BRIEFING AND
HEARING SCHEDULE FOR
MONELL-BASED SUMMARY
JUDGMENT MOTION**

RECITAL

The parties agree that there is good cause to postpone by four weeks the briefing and hearing schedule for the upcoming *Monell*-based summary judgment motion to allow the City to depose new witnesses and investigate new facts recently discovered by Tennison and disclosed for the first time to the City in Tennison's supplemental interrogatory responses served on August 15, 2005. The parties request that the Court adopt this stipulation as an order.

STIPULATION

The parties stipulate to the following modified deadlines:

Hearing on <i>Monell</i> -based motion for summary judgment	October 28, 2005
Opening brief due	September 16, 2005
Opposition brief due	September 30, 2005
Reply brief, if any, due	October 7, 2005

The parties further stipulate that they will not seek a stay of any *Monell*-based motion in the event that the summary judgment motions heard on August 12, 2005, are decided and appealed before any *Monell*-based motion is heard on October 28, 2005, and decided. Instead, in the interests of economy, the parties stipulate that they will endeavor to ensure that all summary judgment motions scheduled to be heard on August 12 and October 28, 2005 are subject to the same schedule on appeal.

Dated: August 22, 2005

DENNIS J. HERRERA
City Attorney
JOANNE HOEPER
Chief Trial Deputy
SHERRI SOKELAND KAISER
Deputy City Attorney

By: 

SHERRI SOKELAND KAISER
Attorneys for Defendants
CCSF AND GEORGE BUTTERWORTH

1 Dated: _____

2 JAMES QUADRA, ESQ.
3 MOSCONE, EMBLIDGE & QUADRA, LLP

4 By: _____
5 JAMES QUADRA
6 Attorneys for Defendants EARL SANDERS and
7 NAPOLEON HENDRIX

8 Dated: 8-22-05

9 DANIEL PURCELL, ESQ.
10 KEKER & VAN NEST, LLP

11 By: 
12 DANIEL PURCELL
13 Attorneys for Plaintiff JOHN TENNISON

14 Dated: _____

15 JOHN HOUSTON SCOTT, ESQ.
16 THE SCOTT LAW FIRM

17 By: _____
18 JOHN HOUSTON SCOTT
19 Attorneys for Plaintiff ANTOINE GOFF

20 **ORDER**

21 It is HEREBY ORDERED that the Court's case management deadlines are modified
22 pursuant to the terms of the foregoing stipulation.

23 IT IS SO ORDERED.

24 Dated: _____

25 THE HONORABLE CLAUDIA WILKEN
26 UNITED STATES DISTRICT JUDGE

1 Dated: _____

2 JAMES QUADRA, ESQ.
3 MOSCONE, EMBLIDGE & QUADRA, LLP

4 By: _____
5 JAMES QUADRA
6 Attorneys for Defendants EARL SANDERS and
7 NAPOLEON HENDRIX


8 Dated: _____

9 DANIEL PURCELL, ESQ.
10 KEKER & VAN NEST, LLP

11 By: _____
12 DANIEL PURCELL
13 Attorneys for Plaintiff JOHN TENNISON

14 Dated: 8/22/05

15 JOHN HOUSTON SCOTT, ESQ.
16 THE SCOTT LAW FIRM

17 By: 
18 JOHN HOUSTON SCOTT
19 Attorneys for Plaintiff ANTOINE GOFF

20 **ORDER**

21 It is HEREBY ORDERED that the Court's case management deadlines are modified
22 pursuant to the terms of the foregoing stipulation.


23 IT IS SO ORDERED.

24 Dated: _____

25 THE HONORABLE CLAUDIA WILKEN
26 UNITED STATES DISTRICT JUDGE
27
28

1 Dated: 8/23/05

2 JAMES QUADRA, ESQ.
3 MOSCONE, EMBLIDGE & QUADRA, LLP

4 By: 
5 JAMES QUADRA
6 Attorneys for Defendants EARL SANDERS and
7 NAPOLEON HENDRIX

8 Dated: _____

9 DANIEL PURCELL, ESQ.
10 KEKER & VAN NEST, LLP

11 By: _____
12 DANIEL PURCELL
13 Attorneys for Plaintiff JOHN TENNISON

14 Dated: _____

15 JOHN HOUSTON SCOTT, ESQ.
16 THE SCOTT LAW FIRM

17 By: _____
18 JOHN HOUSTON SCOTT
19 Attorneys for Plaintiff ANTOINE GOFF

20 **ORDER**

21 It is HEREBY ORDERED that the Court's case management deadlines are modified
22 pursuant to the terms of the foregoing stipulation. The FCMC is also continued to 10/28/05.

23 IT IS SO ORDERED.

24
25 Dated: 8/24/05

26 /s/ CLAUDIA WILKEN
27 _____
28 THE HONORABLE CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE